

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to the emergency vehicle certificate and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 451, “Emergency Vehicle Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.16 and 321.451.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.16, 321.231 and 321.451.

Purpose and Summary

This proposed rule making relates to Chapter 451, which allows for the designation of a privately owned vehicle as an authorized emergency vehicle pursuant to Iowa Code section 321.451. The proposed amendments align with existing legal authority and Department practice and eliminate outdated or irrelevant requirements or options.

The following paragraphs further explain the proposed amendments:

- The title of the chapter is revised to reference emergency vehicle certificates rather than emergency vehicle permits, which more closely aligns with the terminology used in the Iowa Code.
- Updates are made throughout the chapter to correct contact and application submission information for emergency vehicle certificates and to specify that emergency vehicle certificate denial notices are served by first-class mail as permitted by Iowa Code section 321.16.
- Subrule 451.2(3) is amended in order to address the limitations of the emergency vehicle certificate to align with Iowa Code section 321.231. This amendment also clarifies what constitutes a scene of emergency for the purposes of a towing or recovery vehicle displaying illuminated emergency lights, because the current rule language is not clear regarding what qualifies as a scene of emergency.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa because there is no fee associated with obtaining an emergency vehicle certificate and this rule making will not cause the Department to issue any more or any fewer certificates.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests

to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 1, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on February 3, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on February 1, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **761—Chapter 451**, title, as follows:

EMERGENCY VEHICLE PERMITS CERTIFICATE

ITEM 2. Amend rule 761—451.1(321) as follows:

761—451.1(321) Information. Information about certificates of designation for authorized emergency vehicles is available ~~from the office of vehicle and motor carrier services. The address is: Office of Vehicle and Motor Carrier Services,~~ by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by email at vscusto@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code sections 321.2 and 321.3.

ITEM 3. Amend rule 761—451.2(321) as follows:

761—451.2(321) Authorized emergency vehicle certificate.

451.2(1) Application. Application for a certificate which designates a privately owned vehicle as an authorized emergency vehicle shall be submitted to the ~~office of vehicle and motor carrier services on a vehicle division~~ in the form and manner prescribed by the department. The department shall deny an application if the ~~department~~ applicant does not establish ~~for the department~~ that the vehicle will be used as an authorized emergency vehicle, as described in Iowa Code section 321.451, or that the vehicle does not otherwise demonstrate necessity for the designation.

451.2(2) No change.

451.2(3) Limitation. ~~A certificate issued to a towing or recovery vehicle is valid only when the vehicle is at the scene of an emergency, unless otherwise authorized by a law enforcement officer. In addition to the provisions of Iowa Code section 321.231(2), a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:~~

a. When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

b. When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code ~~section~~ sections 321.231 and 321.451.

ITEM 4. Amend rule 761—451.3(17A,321) as follows:

761—451.3(17A,321) Application denial or certificate revocation.

451.3(1) No change.

451.3(2) The department shall send notice by certified mail to a person whose certificate of designation is to be revoked ~~or denied~~. The department shall send notice by first-class mail when an application is denied. The notice shall be mailed to the person's mailing address as shown on departmental records, and the revocation or denial shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of vehicle and motor carrier services~~ vehicle division. The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.16, 321.231 and 321.451.